

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Lee Withers

TOWN COUNCIL
Arthur Heggins
Brandon Linn
Rodney Phillips
Charles Seaford
Steve Stroud

TOWN OF CHINA GROVE

A regular meeting of the China Grove Town Council

Tuesday, October 1, 2019
7:00 p.m.

China Grove Town Hall
China Grove, North Carolina

CALL TO ORDER

Mayor Withers called the regular meeting of October 1st, 2019 to order and recognized Salem Fleming with Troop 443. He asked her to lead the audience in the Pledge of Allegiance.

Mayor Withers called roll. All council members were present with the exception of Brandon Linn. There was a quorum.

The meeting started at 7:00 pm at the Town Hall.

Mayor Withers amended the agenda with the addition to Other Business to discuss changing the next regular scheduled meeting.

Mr. Phillips made a motion to adopt the agenda. Mr. Heggins seconded the motion, which carried unanimously.

Consent Agenda items:

- a) Approve Minutes from September 3rd, 2019 regular meeting
- b) Adopt Ordinance to close northbound lane of Main Street for Cruise In
- c) Adopt Ordinance to close street for Southern Rowan Christmas Parade
- d) Adopt Budget Amendment Ordinance

Mr. Phillips made a motion to approve the consent agenda. Mr. Stroud seconded the motion, which carried unanimously.

CITIZEN COMMENT

None

NEW BUSINESS

- I) Appoint member to Parks and Recreation Advisory Board

Mr. Phillips stated he has known Ashley McKnight for several years. He stated she participates in the Farmers Market and had asked him about getting more involved in town activities. He stated she came to the last Parks and Recreation Board meeting and enjoyed it and submitted her application.

Mr. Phillips made the motion to appoint Ashley McKnight to the Parks and Recreation Advisory Board. Mr. Seaford seconded the motion, which carried unanimously.

PUBLIC HEARING

I) 2019-Z-02 - Suburban Residential to Highway Business

Mr. Gover stated the applicant is requesting a zoning map amendment for parcels 115 058 & 115 177, located at 1675 North Main Street from Suburban Residential (RS) to Highway Business (HB). He stated the parcels are a total of 5 acres located in the ETJ. He stated this is a straight rezoning and all uses permitted within the HB district. He stated there is an existing single-family home on the property. He stated residential uses are not permitted within the HB district and the home would become nonconforming. He stated however the UDO allows for the reestablishment of single-family homes with the standards of Mixed Residential district. He stated the parcels front North Main Street/US 29 HWY a major thoroughfare connecting China Grove and Salisbury. He stated if approved these parcels would join our northern HB district which extends north from the US 29 and NC 152 intersection. He stated these parcels are located in the General Commercial future land use category in the China Grove Land Use Plan which promotes retail and service uses and runs along US 29 HWY. He stated the HB district is compatible with the General Commercial future land use category. He stated no one spoke in favor or opposition to this request at the Planning Board meeting on September 12, 2019. He stated the Planning Board voted unanimously (5-0) to recommend approval.

Mayor Withers opened the public hearing.

Travis Brown – 1735 North Main Street

He asked if there will be a barrier that will separate a business property from a residential property. Mr. Gover stated there is typically a 15-foot buffer that separates a commercial property from a residential property. He stated this could be a combination of shrubs, berm, or wall.

Mayor Withers closed the public hearing.

Statement of Consistency and Reasonableness

Mr. Phillips made the motion to approve 2019-Z-02 due to being consistent with the adopted China Grove Land Use Plan based on the fact that these parcels are located along Hwy 29 North which is the Highway Business District, our major thoroughfare of mixed retail and service uses. Furthermore, the adoption of 2019-Z-02 is reasonable and in the public interest based on the fact that the HB district is compatible with our General Commercial future land use category which promotes retail and service uses. Mr. Heggins seconded the motion, which was carried unanimously.

Mr. Phillips made the motion to approve 2019-Z-02, the request to rezone Rowan County Tax Parcels 115 058 & 115 177 from Suburban Residential to Highway Business. Mr. Seaford seconded the motion, which carried unanimously.

II) 2019-Z-01 – Suburban Residential to Mixed Residential; 2019-CUP-02 & 2019-S-01

Mrs. Mills swore in Eddie Moore, Applicant and Franklin Gover, Assistant Town Manager for testimony during the hearing.

Mr. Gover stated the applicant is requesting a rezoning from Suburban Residential (RS) to Mixed Residential (RM) Conditional Use to accommodate a major residential subdivision with 50 and 60-foot-wide lots. He stated the Planning Board at the May 9th, 2019 meeting voted 5-2 to recommend approval of 2019-CUP-02 with conditions. He stated the Council at the June 4th, 2019 meeting voted to suspend review of 2019-Z-01 and accompanying 2019-CUP-02 requesting changes to lot width and golf cart access to Shue Road. He stated McAdams increased lot widths and resubmitted a revised plat for consideration. He stated the revised plat incorporates the Planning Board recommended conditions. He stated after the revisions, Planning Board voted 5-0 to recommend approval to the Town Council at the September 12th meeting. He stated a Conditional Use

district is established to address situations where a particular use may be acceptable but the general zoning district is not. He stated the Council has approved five Conditional Use zoning districts. He stated this property is located in the Rural Residential (RS) future land use category in the China Grove Land Use Plan. He stated the Rural Residential category is designed for low to medium density residential uses that preserve the existing rural character, by offering larger lots. He stated the UDO states the intent of the RS district is to establish new development on the edges of town in which the principal land use is low-density single-family residences. He stated the Town Residential (RT) district is intended for more medium density development in established residential areas with single family uses. He stated both of these districts require a minimum 70-foot lot width. He stated the proposed Mixed Residential district is intended to create higher density areas that are typical around downtown and offer a variety of housing. He stated the RM district aligns more with the Neighborhood Residential future land use category. He stated the proposed subdivision is designed to meet the minimum requirements of the RM district however the RM district is not considered compatible with the Rural Residential future land use category. He stated the conditional use district process allows the Council to place reasonable conditions that may increase compatibility with the area. He stated the plat shows a variation of 50-foot lots and 60-foot lots. He stated the 60-foot lots are affected by a sloop and meet the conditions of the Planning Board. He stated the cross sections meet the town and NCDOT standards. He stated these properties would be serviced by Rowan Salisbury Utilities and is inside the city limits. He stated this project is subject to the town's stormwater requirements.

Mayor Withers stated Mr. Seaford had brought up the lot size in Millers Grove. He asked Mr. Gover to discuss what was learned from this development. Mr. Gover stated the recommendations from the Planning Board is based on the experience with the Millers Grove development. He stated a lot of the recommendations are based on quality of life and enjoying the back yard. He stated he is confident that the applicant can achieve these recommendations. He stated one key thing we learned was making sure these homes have useable lots.

Mr. Stroud asked if the backyard issues has been addressed in this new plat. Mr. Gover stated Planning Board recommended 12 foot of useable space but the area will be larger than that.

Mr. Seaford asked if this is approved will it change the Land Use Plan so we can maintain consistent. Mr. Gover stated when a motion is made that goes against the Land Use Plan then the Land Use Plan is amended automatically.

Mr. Phillips asked if we rezone this property and the applicant does not develop the property is there anything that stops another developer from building on the property before coming to the Town Council for approval. Mr. Gover stated this rezoning is rezoning the district with no permitted uses. He stated the CUP allows the developer to build what is on the CUP. Mr. Phillips asked if the density is compatible with the area. Mr. Gover stated that is the Councils decision to make. He stated the RM on its own is not compatible but when you know the use is single family homes, then it can be considered compatible.

Mayor Withers asked what exposure does it put the town in as it relates to Fire, Police, and Public Works services. Mr. Gover stated over time the Public Works services would pick up as far as leave, limb, and curbside. He stated with the current staff of the Fire and Police Department he does not see a great impact. He stated roads would be added to the towns network. He stated based on a \$200,000 home at full build out we are looking at \$200,000 added to the tax income.

Eddie Moore – McAdams

Mr. Moore stated he is representing B&C Land Farming, LLC. He stated True Homes will no longer be the builder, but we have a lot of interest in China Grove. He stated the owner conducted a market analysis to see what would work for this property based on what type of return they will be received and what type of development would fit. He stated they have reduced the lots by 14 lots. He stated there is a total of 174 lots with 65 60-foot lots and 109 50-foot lots. He stated the locations is close to Downtown, the new Food Lion, Schools, and I-85. He stated the definition for Rural Residential states the areas will not be serviced by sewer and water and be along the outskirts of town. He stated this development would be serviced by sewer and

water. He stated they are clustering the houses and by doing this the development would offer 37% open space and 65% of the trees will be saved. He stated RS offers 70-foot lots with a density of less than 3 units per acre, RT offers 70-foot lots with a density of 5 units per acre, RM offers 50-foot lots with a density of 15 units per acre. He stated the proposed density is 2.7 units per acre. He stated the only reason for the rezoning request is to be able to have 50-foot lots not the density unit per acre. He stated the development would have sidewalks on each side of the street and future connectivity for expansion as adjacent properties develop.

Mr. Phillips asked if a condition on the façade of the house would limit or hinder the development. Mr. Moore stated it would not, we would just not to convey it to the developer.

Mr. Phillips stated to recap the lot sizes of 50 and 60 feet is purely to have the economics work. Mr. Moore stated factoring in half mile of sewer, connection points, and topography challenges this proposed plat works best for the land owner.

Mayor Withers stated he would still like to incorporate a Golf Cart path somehow. Mr. Moore stated the property owner was concerned about the topography in the area that connects to Shue Road is too steep for vehicular traffic. He stated there is room for a 25-foot easement if the town is willing to take over the path as a golf cart path.

Mr. Stroud asked if this type of development is what is being built now. Mr. Moore stated there are a few out there that will build larger lots but we are seeing it less and less. He stated the majority of developments being built now are like this.

Mayor Withers opened the quasi-judicial hearing.

Mayor Withers closed the quasi-judicial hearing.

Mr. Stroud stated while receiving tax money from this type of residential development is nice, he is not sure if this is what he wants China Grove to become. He stated there is a need for housing in the town, but this is a lot of homes in such a small space.

Mr. Phillips stated we all want the good things that come with development but he struggles also with the density of this development.

Mr. Stroud stated he does not believe this development is compatible with the area. He stated if we approve this development then it opens it up for other developers to ask for the same.

Mr. Seaford stated he is concerned about safety with the proximity of the houses if there was a fire. Mr. Heggins stated he was concerned about the same and spoke with the Fire Chief and he was confident that they would be able to handle the situation.

Mayor Withers stated he does not know of many other properties inside our ETJ or current city limits that would request a zoning amendment for a development like this. He stated this property is located on the edge of the city limits and would not kill the small town feel of China Grove. He stated he has spoken with several Downtown Businesses and they expressed their interest in a new development. He stated these residents would be spending money in and around town.

Mr. Gover stated the applicant would like the Council to consider a withdrawal of the request.

Mr. Phillips made a motion to accept the withdrawal. Mr. Stroud seconded the motion, which carried unanimously.

III) 2019-TA-01 - Stormwater Management

Mr. Gover stated as the Town continues to focus on Stormwater Management and meeting the requirements of our National Pollution Discharge Elimination System permit. He stated changes are needed to ensure the ordinance is in compliance with current North Carolina Department of Environmental Quality (NCDEQ) Phase II Stormwater Design and maintenance requirements. He stated NCDEQ has reviewed our ordinance and recommended changes to ensure consistency with the state requirements.

Mayor Withers opened the public hearing.

Mayor Withers closed the public hearing.

Statement of Consistency and Reasonableness

Mr. Stroud made the motion to approve 2019-TA-01 to amend section 8.11 Stormwater Management of the UDO to ensure compliance with current NCDEQ Phase II stormwater design and maintenance requirements. Mr. Seaford seconded the motion, which was carried unanimously.

Mr. Stroud made the motion to approve text amendment 2019-TA-01. Mr. Seaford seconded the motion, which was carried unanimously.

COUNCIL UPDATES

Mayor Withers stated the EDC committee and the Southend committee meet this past month. He stated these committees have great ideas and he is looking forward to moving forward with development in town. Mr. Heggins stated after talking to several residence they have expressed their excitement to have an open market on the Southend of town.

Mayor Withers stated the Mayors Youth Council has meet several times and they have discussed the budget, and the presentation of the development tonight.

DEPARTMENT UPDATES

I) Police Department monthly updates

Chief Deal stated there were two break-ins recently. He stated one at H&R Block and one at the Insurance Agency on Hwy 29. He stated charges have been filed in these two larcenies. He stated they are currently working on the larceny at Gary's BBQ and the other larceny in the area.

II) Public Works Department monthly updates

Mr. Ketner stated Central Ave has been paved and several areas have been patched. He stated leaf season starts October 14th.

III) Administration Department monthly updates

a) Finance

Mrs. Bopp stated the auditors were here last week. She stated they were looking at payroll very closely. She stated she should know by the end of November what will be placed back into reserve.

b) Event Coordinator

Ms. Price stated the Stand Together Music Festival was very successful and they will be at the November meeting to present the check. She stated October 19th will be the last Cruise In of the year and Smitty and the JumpStarters will play on the stage.

IV) Fire Department monthly updates

Chief Zimmerman stated they ran a lot of calls this past month. He stated drug overdose calls have picked up again.

OTHER BUSINESS

I) Amend the Town Council regular meeting
Mr. Phillips made a motion to amend the regular scheduled meeting to Monday, November 4th at 7:00 pm. Mr. Stroud seconded the motion, which carried unanimously.

ADJOURNMENT

Mr. Stroud made a motion to adjourn. Mr. Heggins seconded the motion, which carried unanimously.

Respectfully Submitted,

Pamela L. Mills, CMC
Town Clerk

Lee Withers
Mayor